

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Noah J. McCourt,

Case No. 22-cv-2372 (DWF/DTS)

Plaintiff,

**REPORT AND RECOMMENDATION**

v.

Sibley County,

Defendant.

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Plaintiff Noah McCourt commenced this action on September 27, 2022. Neither the address Plaintiff provided on his Complaint nor the phone number provided with his application to proceed without prepaying fees are valid for Plaintiff.

On December 19, 2022, the Court ordered that unless McCourt notified the Court of his current contact information by January 18, 2023, this matter would be recommended for dismissal for failure to prosecute. McCourt has not been in contact with the Court regarding this matter.

Accordingly, this Court now recommends, in accordance with the prior Order, that this action be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. See *Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

### RECOMMENDATION

For the reasons set forth above, the Court RECOMMENDS THAT this matter be DISMISSED WITHOUT PREJUDICE for failure to prosecute.

Dated: February 22, 2023

s/David T. Schultz  
DAVID T. SCHULTZ  
U.S. Magistrate Judge

### NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set for in LR 72.2(c).